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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Plutzky, et al.

Appl. No.: 09/940,858

Filed: August 29, 2001

**For: Oxidized Forms of Retinoic Acid as Ligands
for Peroxisome Proliferator Activated
Receptor Gamma**

Group Art Unit: 1615

Examiner: Channavajjala, L.

Atty. Dkt. 7570/73230
(Formerly 81994/282421)

TECH CENTER 1600/2900

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Response to Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated August 28, 2002, in which the Examiner imposed a restriction requirement on the above-captioned application, Applicants hereby elect the inventions of Group III. This includes claims 12-16, directed to a method of treating atherosclerosis. It is respectfully requested that claims in non-elected restriction groups, *i.e.*, claims 1-11 and 17-23 be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fees, other than those that may be already provided for herewith, are required for the filing of the present document. Nevertheless, any additional fees that may be required may be charged to our Deposit Account No. 06-1135 under Order No. 7570/73230.

If the Examiner believes that a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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Date: December 30, 2002
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